



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

FILLMORE FIELD OFFICE

35 East 500 North
Fillmore, Utah 84631



In Reply Refer to:
3041(UT-010)
UTU-079464-01

RECEIVED

MAY 02 2008

DIV. OF OIL, GAS & MINING

April 30, 2008

CERTIFIED MAIL # 7007 0710 0002 5252 2574
RETURN RECEIPT REQUESTED

DECISION

MERT HAMILTON	:	43 CFR 3809
ROCANVILLE STONE CORP	:	Plan of Operations
PO BOX 35	:	
DELTA UT 84624	:	

Plan Amendment Rejected as Incomplete; Failure to Submit Required Information

On February 27, 2004 you submitted a 43 CFR 3809 Plan of Operations (Plan) amendment proposing an expansion of mining activity for the Tejon Quarries. The amendment proposed expanding operations from the authorized five acres of disturbance in the S1/2 NW1/4SE1/4 and N1/2SW1/4SE1/4 of section 30, Township 18 South, Range 13 West, Salt Lake Baseline and Meridian. The expanded operations were proposed for the Tejon #1 quarry consisting of 8.36 acres in the W1/2SE1/4NW1/4 of section 29, Township 18 South, Range 13 West, Salt Lake Baseline and Meridian; Tejon #2 quarry consisting of 4.02 acres in the SW1/4SE1/4NE1/4 of section 30, Township 18 South, Range 13 West, Salt Lake Baseline and Meridian; and Tejon # 3 and #4 quarries consisting of 2.49 and 5.13 acres respectively in the NW1/4NW1/4SE1/4 and the S1/2NW1/4SE1/4 of section 30, Township 18 South, Range 13 West, Salt Lake Baseline and Meridian.

On May 26, 2004 a letter was sent from the Fillmore Field Office (FFO), a copy of the letter was also hand delivered to the operation June 21, 2004 when the original was returned, informing you that the Plan amendment was deficient. The letter asked that the following items be submitted: tax payer identification, additional information on proposed use of explosives (blasting plan), additional information on a pallet storage area, and additional information on interim management plans for winter shut-down. A second letter dated September 10, 2004 was sent to again inform you of the deficiencies of the Plan amendment. The second letter also asked for baseline data on paleontological resources. The paleontological report was received by the FFO on June 7, 2005, however no other information was received.

A third letter requesting information to correct the deficient Plan amendment was sent August 1, 2006 and a fourth letter followed on December 15, 2006.

As of the date of this decision, the FFO has not received the information. Therefore this notice is to inform you that your Plan amendment is hereby rejected due to being incomplete.

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If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.800, you may request that the Utah Bureau of Land Management (BLM) State Director review this decision. If you request a State Director review, the request must be received in the Utah State Office BLM at:

Utah State Office
Bureau of Land Management
P.O. Box 45155
Salt Lake City, Utah 84145-0155

The request must be received no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to the FFO. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision regarding your request for review of this decision within 21 days of the BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when the BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the FFO at:

Fillmore Field Office
Bureau of Land Management
35 East 500 North
Fillmore, Utah 84631

Appeal must be filed within 30 days from the receipt of this decision. The appellant has the burden of proof showing that the decision appealed from is in error.

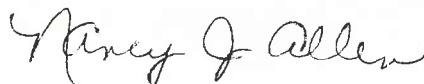
If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the FFO. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellants success on the merits,
3. The likelihood of immediate and irreparable harm in the stay is not granted, and whether the public interest favors granting the stay.

Sincerely,



For: Sherry K. Hirst
Field Office Manager

Enclosures
Form 1842-1

cc: W David Weston,
Rocanville Stone LLC
218 W Paxton Ave
Salt Lake City, UT 84101

Rocanville Stone LLC
461 E Topaz Townhouse #8
Delta, UT 84624

Merton W Hamilton,
Rocanville Corporation
461 E Topaz
Delta, UT 84624

Rocanville Corporation
8235 Douglas Ave
Dallas, TX 75225

Tom Munson,
UDOGM (S/027/087)
1594 W North Temple Ste 1240
Salt Lake City, Ut. 84114-5801

Terry Snyder
Utah State Office
PO BOX 45155
SLC, UT. 84145-0155

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF
APPEAL.....

A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE
NOTICE OF APPEAL.....

WITH COPY TO
SOLICITOR...

3. STATEMENT OF REASONS

Within 30 days after filing the Notice of Appeal, File a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO
SOLICITOR.....

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2005)